

AUGUST 10, 2004

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

Following a Work Session meeting, the Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Simillion, Stone, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Community Development Director Westbay, Finance Director Hanson, Electric Superintendent Bradford, Planning Technician Antonucci, many interested citizens and the press. WSC Intern Johnston was absent.

Consideration of Minutes:

Regular Session Minutes of July 27, 2004.

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Regular Session Minutes of July 27, 2004, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Duba. So carried.

Roll call vote, no: None.

Roll call vote, abstain: Smits.

Unfinished Business:

A. Recommendation from Planning & Zoning Commission on Request from Gunnison Main Street to City Council, Dated June 18, 2004, for a Moratorium on Large Scale Retail Development. A lengthy discussion on the recommendation for a moratorium ensued. Mayor Ferguson stated the Council had received two letters today, one from Wal-Mart via e-mail and one this afternoon from the Gunnison Valley Economic Development Corporation. Each letter asked for a delay in setting a moratorium so that Wal-Mart can meet with the public and get information out concerning their proposed project. Councilmember Duba reminded Council the recommendation is for all big box retailers, not just Wal-Mart.

City Attorney Landwehr informed Council, that according to Section 15-15-3F, of the City Code, the City Council is required to hold a Public Hearing on the recommendation from the Planning & Zoning Commission regarding the moratorium or suspension on processing of applications on large scale developments. The public hearing has already been noticed for the August 24th Regular Session.

Councilmember Smits stated that while he was out of town on vacation, the Planning Commission held their public hearing and meeting regarding the moratorium. While he was initially in favor of the suspension, he has recently had a conversation with Roger Thompson of Wal-Mart. Councilmember Smits now has concerns about the closing of the existing Wal-Mart within three to five years and the potential loss of the existing jobs and sales tax revenue to the City. This would be a huge negative impact on the community.

Councilmember Stone stated he has never gone against the recommendation of the Planning & Zoning Commission. He had a lengthy discussion with the planner from Steamboat Springs at the Community Forum, and asked what was the outcome of their 3 month moratorium. In Steamboat the outcome was that all large-scale developments must fall under their planned unit development zoning process. He thinks that would be the result here. He had received 62 calls and 59 to 3 were proponents of the Wal-Mart project. Most of his private contacts were against a moratorium.

Councilmember Simillion stated that in the contacts he's had with customers in his business he has had no one yet say they want a moratorium.

Mayor Ferguson stated his reactions were a little different. Most people he talked with want mitigation for surrounding neighborhoods from any large scale development.

Councilmember Smits stated that in his discussion with the Wal-Mart representative, the company said they would have to go through the PUD process. They feel that process would be beneficial to both the developer and the City.

Councilmember Duba asked Community Development Director Westbay about the public input at the Planning Commission regarding the moratorium. Director Westbay stated the public input was overwhelming for the moratorium.

Planning Commission Chair Diane Lothamer stated the Planning Commission felt anxiety about the decision but a moratorium gives a chance to review the code. The Manager of Wal-Mart was at the hearing and stated they had no problem with the moratorium and didn't mention any threat to the existing store. Councilmember Stone asked Ms. Lothamer if, in her opinion, if the Planning Commission needed a 3, 6, 9 or 12 month moratorium to review the Land Development Code (LDC) for deficiencies? Ms. Lothamer stated she has a problem with taking the LDC out of the entire Master Plan Review process. She has mixed feelings about having all large scale developments as a PUD. Is that sufficient?

Ron Watson, representing the Gunnison Valley Economic Development Corporation (GVECD), stated they haven't weighed in before now because they have concerns about "slapping an existing business in the face". In the GVECD's contacts with Wal-Mart, they have indicated the existing store does not meet the new type image of a Wal-Mart store. There are three similar stores in Colorado and all will probably be replaced or closed in the next three to five years.

Gunnison Main Street Director Bruce Hyde stated this issue is not just about Wal-Mart but about all large scale retail developments. The moratorium addresses all big box stores and the moratorium will allow for public input.

Gunnison Main Street Interim President Jon Schumacher stated the Community Forum and the Planning Commission Public Hearing were very proactive. However, the Wal-Mart and GVECD letters, received today, weren't talked about in a public setting and he has concerns they are now the driving force of the discussion.

In trying to reach consensus, Mayor Ferguson stated maybe Council should move to make everything over 50,000 sq. feet, go through the PUD process.

Councilmember Stone suggested that another Ordinance requiring all large scale developments over 50,000 sq. feet be processed as a PUD. Councilmember Simillion concurred. Councilmember Smits agreed and stated the Land Development Code review could take place simultaneously.

Councilmember Duba stated he would like to have time to review the PUD regulations.

Community Development Director Westbay informed Council that a contract has already been signed with Four Corners Planning, the Master Plan Consultant, to include review of PUD regulations in their scope of services. The consultants have indicated they can have a memo with recommendations to the City in 60 to 90 days. City Attorney Landwehr reminded Council that after the recommendations from the consultant are received, the Planning Commission would still have to review those recommendations, hold a public hearing, then make a recommendation to City Council, who would then have two readings of the ordinance and a public hearing to enact any changes to the Land Development Code.

No action was taken on the recommendation from the Planning & Zoning Commission.

Pre-Scheduled Citizens:

Nicki Aggers with Mountain States Employers Council with an Update on Employees Compensation Plan Review. Finance Director Hanson and Ms. Aggers came forward and addressed Council. Ms. Aggers has been working with City Staff to develop a compensation philosophy that incorporates the City's mission statement. The philosophy will act as a guide for present and future compensation systems. Ms. Aggers asked Council if they concurred with the proposed statement or had any questions. Council concurred. Ms. Aggers then reviewed the process that took place with Management Staff to determine the tiered approach to obtaining job match survey data. 36 communities and counties were selected to be

included in the job matching compensation survey. 49 job matches were identified by City Staff. In the near future, the job matches will be validated and the selected surveys will be employed to determine entry, mid-point and maximum compensation ranges. The discussion on the performance-based pay plan will take place with adjustments made to the performance evaluation document. Council thanked Ms. Aggers for the progress on the project.

New Business:

Letter of Support for County Business Park Grant Application for Colorado Energy Impact Grant Funds. City Manager Collins explained this request came from County Manager John DeVore relative to the County's application for grant funds.

Councilmember Stone moved and Councilmember Simillion seconded the motion to approve the letter of support.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Multi-Day Special Events Permit Application from Gene Taylor's for Sidewalk Sale on September 2nd through 6th. This item was discussed in the Work Session prior to this meeting.

Councilmember Smits moved and Councilmember Simillion seconded the motion to approve the multi-day Special Events Permit Application from Gene Taylor's for a Sidewalk Sale on September 2nd through 6th, and to authorize the Mayor's signature on the permit.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

Councilmember Stone asked City Clerk Davidson to get with the applicant and make sure the issue with the sidewalk pedestrian congestion is addressed during this sale. The City Clerk agreed.

Application for Modification of Premises from Columbine Corporation for Timbers Sports Bar, 136 W. Tomichi Avenue. This item was discussed in the Work Session prior to this meeting.

Councilmember Smits moved and Councilmember Stone seconded the motion to approve the application for modification of premises from the Columbine Corporation for the Timbers Sports Bar, 136 W. Tomichi Avenue.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Wind Power Update and Contracts. Electric Superintendent Bradford came forward and addressed Council. He stated as of last week, the City had received 139 individual meter requests for wind power totaling 460,800 kilowatt hours per year. Since that time, he has received 4 more requests. Superintendent Bradford asked Council for approval to proceed with review of the contract with our energy provider MEAN, to provide 460,800 kwh in wind-generated power. The newer customer requests will be contacted and placed on a waiting list. Should any of the original 139 meters drop out of the program, then the customers on the waiting list will be contracted. The contract can be reviewed annually as demand peaks and ebbs. The power can be available during September with billing to start on the October bills. Finance Director Hanson indicated the billing can be ready for that cycle.

Councilmember Stone moved and Councilmember Duba seconded the motion to instruct Staff to move forward with the contract for wind-generated power with MEAN, have the utility attorney review the contract and have them for Council review at the next Council work session.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

Councilmember Duba asked if there was going to be on-going publicity about the program. Superintendent Bradford stated yes, it will take place. Councilmember Duba suggested using the local ORE group to get the message out on the program as well.

Councilmember Smits commended Superintendent Bradford and his crew for all of their great work on the annual CityFest program. All of Council concurred.

Appointment of Master Plan Steering Committee Members. Community Development Director Westbay addressed Council. In their packets they received a list of people who will be interviewed during the Master Plan development process and a list of Steering Committee members.

Discussion ensued. Councilmember Duba volunteered to serve as the Council representative on the committee, a non-specified representative from RE1J School District was added and the non-specified Planning Commissioner to be appointed on August 24th was added to the interviewee list.

Councilmember Stone moved and Councilmember Duba seconded the motion to approve the Master Plan Interviewee List and Steering Committee Member List as amended.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 9, Series 2004, Re: Temporary Suspension of the Processing of Applications for Retail “Superstores” within the City of Gunnison for a Period of Six Months; 1st Reading.

Councilmember Duba introduced Ordinance No. 9, Series 2004, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Stone seconded the motion that Ordinance No. 9, Series 2004, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON ESTABLISHING A TEMPORARY SUSPENSION OF THE PROCESSING OF APPLICATIONS FOR RETAIL “SUPERSTORES” WITHIN THE CITY OF GUNNISON FOR A PERIOD OF SIX MONTHS**, be introduced, read, passed and ordered published on first reading this 10th day of August, 2004 and to set a public hearing on this Ordinance for 7:00 P.M., August 24, 2004, in the City Council Chambers of City Hall.

Discussion ensued. Councilmember Duba stated he will vote yes. Councilmember Stone stated he will vote no as he feel the Planned Unit Development process in the Land Development Code will cover any problems with large scale development. It is the first time in 13 years he has gone against the recommendation from the Planning Commission but feels there is no need for a temporary suspension. Councilmember Simillion agreed with Councilmember Stone that the PUD process is adequate. Councilmember Smits agrees with Councilmembers Stone and Simillion. He has the utmost respect for the Planning & Zoning Commission.

Roll call vote, yes: Ferguson, Duba. Motion defeated.
Roll call vote, no: Smits, Simillion, Stone.

Councilmember Stone moved and Councilmember Simillion seconded the motion to direct Staff and the City Attorney to prepare an ordinance that would move all buildings over 50,000 sq. feet, as described in Ordinance No. 9, to be processed as Planned Unit Developments and to instruct the Planning & Zoning Commission to review, with high priority, the PUD requirements in the Land Development Code.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.
Roll call vote, no: None.

City Attorney Landwehr reminded Council that they need to set a public hearing to consider the recommendation from the Planning and Zoning Commission on the six-month suspension of processing applications for large scale developments. Even though the Ordinance was not passed, the City Code requires a public hearing be held on the recommendation.

Councilmember Duba moved and Councilmember Stone seconded the motion to set a public hearing on August 24, 2004, at 7:00 P.M. in the City Council Chambers to consider the recommendation from the Planning & Zoning Commission on the six-month suspension of processing applications for large scale developments.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits.
Roll call vote, no: None.

**Ordinance No. 10, Series 2004, Re: Vacation of a Portion of West Virginia Avenue,
1st Reading.**

Councilmember Simillion introduced Ordinance No. 10, Series 2004, and it was read by title only by the City Attorney.

Councilmember Simillion moved and Councilmember Duba seconded the motion that Ordinance No. 10, Series 2004, **AN ORDINANCE VACATING ALL THAT PORTION OF WEST VIRGINIA AVENUE LYING WITHIN THE INTERSECTION OF PREVIOUSLY VACATED 6TH STREET AND DESCRIBED AS THE 14 FOOT WIDE PARCEL ADJACENT ON THE WEST TO THE CENTERLINE OF VACATED 6TH STEET, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING UTILITY EASEMENTS THEREIN,** be introduced, read, passed and ordered published on first reading this 10th day of August, 2004.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

City Attorney: Nothing to report.

City Manager: Mark Collins: 1. Reported he will have a brief overview in their boxes of the August Mayors'/Managers' meeting held on August 5, in Pitkin. 2. In a follow-up to the street lights, they are being installed on East Highway 50 and are going up quickly as they use the existing street pole bases. They do provide a whiter light. 3. They had an excellent Community Center meeting last Friday. They met first with the contractor and architects and then at lunch time moved to meet with the Young at Heart Senior Citizens. The seniors gave their input on interior finish colors and design features. They're very excited about the project. The Committee will give a project update to Council at the September 7th Work Session.

Councilmember Stone thanked the City Manager and Staff for their informative reports this month.

Acting City Manager: Community Development Director Westbay. Director Westbay reported that Mark Sniffen, the new building official, has started work. The Master Plan consultants will be here the week of August 23rd and will meet with Council on August 24. He will give his semi-annual report at the next Regular Session.

City Clerk: City Clerk Davidson. Nothing to report.

WSC Intern: Matt Johnston. Absent.

Non-Scheduled Citizens: None.
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General Discussion/Items for Work Session:

Mayor Ferguson: Thanked all of Council for their work and perseverance during this difficult issue.

Councilmembers Simillion, Smits, Stone, Duba: Nothing further to report.

Adjournment: The meeting adjourned at 8:57 P.M.

Mayor

City Clerk